THE HON'BLE MR JUSTICE N.V.RAMANA

WRIT PETITION NO.10542 of 1998

30th October 2006

Between:

G.Babu, S/o.Venkatasubbaiah, 32 years, Casual Labourer, O/o.Divisional Engineer Electrical (OP), APSEB, Puttur at Gangireddypalle Section, Puttur Mandal, Chittoor District.

...PETITIONER

AND

The Superintending Engineer (Operations), APSEB, Tirupathi.

...RESPONDENT

THE HON'BLE MR JUSTICE N.V.RAMANA

WRIT PETITION NO.10542 of 1998

ORDER:

Questioning the action of the respondent in not considering the case of the petitioner for appointment in the initial recruitment cadre, as per B.P.Ms.No.36 dated 18.05.1997, on the ground that he was over-aged at the time of his initial engagement as Casual Labour, the present Writ Petition is filed.

2. When the matter is taken up for hearing today, it is submitted by the learned Standing Counsel for the respondents and admitted to by the learned counsel for the petitioner that the subject matter of this Writ Petition is squarely covered by the orders of the Apex Court in Civil Appeal No.3215 of 2002 and batch dated 18.04.2002, wherein the Apex Court considered similar issue and disposed of the Civil Appeals with the following observations.

> "In our view, in the petitions before the High Court there was no question of considering public policy and the discussion on the law was totally besides the point involved in the matter. Limited issue was – whether before regularization of service of employees, the Board was bound to follow the eligibility conditions laid down in its proceedings dated 18.05.1997 and 31.12.1997. Benefit of regularization which was conferred on the employees solely depended upon eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of age. In cases, where the Board has committed mistake in engaging under-age causal employees or has permitted the contractor to do so would not confer any right on such employees for being regularized on the basis of BPMS dated 18.05.1997.
>
> In this view of the matter, the judgment rendered by the High Court cannot be sustained and is, therefore, set aside.
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> However, considering the fact that the respondents/casual employees/employees of the contractor/junior linemen are in service for more than 15 years, we do not think that this would be a fit case for disturbing their appointments made in pursuance of the order passed by the High Court.

Ordered accordingly. Appeals stand disposed of."

3. In the circumstances, this Writ Petition is also disposed of in terms of the orders passed in Civil Appeal No.3215 of 2002 and batch dated 18.04.2002. No costs.

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(N.V.RAMANA, J)

30th October 2006
RRB